



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

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Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

May 25, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alan Lawrence Gaynor, M.D.
2438 California Street
San Francisco, CA 94115

RE: License No. 195931

Dear Dr. Gaynor:

Enclosed please find Order #BPMC 99-107 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 25, 1999.**

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert Bogan, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : SURRENDER
OF : ORDER
ALAN LAWRENCE GAYNOR, M.D. : BPMC #99-107

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ALAN LAWRENCE GAYNOR, M.D., says:

On or about June 7, 1994, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 195931 by the New York State Education Department. My address is 2438 California Street, San Francisco, CA 94115.

I understand that I have been charged with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

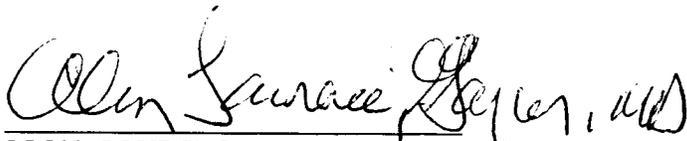
I agree not to contest the specifications set forth in the Statement of Charges.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Date: 5/13, 1999


ALAN LAWRENCE GAYNOR, M.D.
Respondent

AGREED TO:

Date: 17 May 99 1999


ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: May 18, 1999


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of ALAN LAWRENCE GAYNOR, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 5/20/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT
OF : OF
ALAN LAWRENCE GAYNOR, M.D. : CHARGES

-----X

ALAN LAWRENCE GAYNOR, M.D., the Respondent, was authorized to practice medicine in New York State on June 7, 1994, by the issuance of license number 195931 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 5, 1998, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board") entered a Decision and Order adopting the Stipulated Settlement and Decision, hereinafter "California Decision"), dated on or about September 25, 1998.

B. In the Stipulated Settlement and Decision, referred to in paragraph A above, "Respondent admits that there is a factual and legal basis for the imposition of discipline against his physician's and surgeon's certificate ... in that he failed adequately to monitor the administration of Valium to patient LS, that he was responsible for LS's eye injury even if it was caused by the cosmetologist working in his office as he contends it was, and that he failed fully to appreciate or assess the possible

need to have patient RW go to an emergency room sooner than actually occurred."

C. The California Decision described in paragraph A and B above, among other things, revoked the Respondent's Physician's and Surgeon's Certificate, stayed the revocation, and placed the Respondent on five (5) years probation with terms and conditions.

D. The California Decision described in paragraphs A, B, and C above, was predicated upon a First Amended And Second Supplemental Accusation, filed August 7, 1997, a First Supplemental Accusation, filed August 6, 1997, and an Accusation, dated October 31, 1996.

E. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. N.Y. Education Law Section 6530 (3) [negligence on more than one occasion];
2. N.Y. Education Law Section 6530 (4) [gross negligence];
3. N.Y. Education Law Section 6530 (5) [incompetence on more than one occasion]; and/or
4. N.Y. Education Law Section 6530 (20) [moral unfitness].

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is guilty of violating N.Y. Education Law Section 6530 (9) (b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct committed in New York state, in that the Petitioner charges:

1. The facts in paragraphs A, B, C, D, and/or E.

SECOND SPECIFICATION

Respondent is guilty of professional misconduct under N.Y. Education Law Section 6530(9) (d) by reason of his having had disciplinary action taken against his by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in paragraph A, B, C, D, and/or E.

DATED: *April 26*, 1999
Albany, New York

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct